

1
2
3
4
5
6
7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
9 AT SEATTLE

10 TAMARA ALISHA BATTLES EL,

Case No. C17-1145RSM

11 Plaintiff,

ORDER TO SHOW CAUSE

12 v.

13 LAURA VALENTE, Administrative Law
14 Judge,

15 Defendant.

16 *Pro Se* Plaintiff Tamara Alisha Battles el has been granted leave to proceed *in forma*
17 *pauperis* in this matter. Dkt. #9. The Complaint was posted on the docket on August 14, 2017.
18 Dkt. #10. Summons has not yet been issued.

20 Plaintiff brings this action against “Laura Valente, Administrative Law Judge, Social
21 Security Administrative Offices of Disability Adjudication and Review.” *Id.* Plaintiff accuses
22 Judge Valente of “erroring in law and fact while abusing discretion when rendering decision for
23 Claimants [sic] Disability and Supplemental Insurance application, thus violating any oaths of
24 office.” *Id.* at 1. Plaintiff alleges this Court has jurisdiction “based on the diversity of
25 citizenship of the parties and the cause of action,” and that Judge Valente “waives all implied
26 sovereign immunity as a [sic] agent for the state and federal agencies because she committed a
27
28

1 crimes [sic] of neglect and discrimination causing Claimant irreparable harm.” *Id.* Plaintiff
2 indicates that the source of her claim is “an unlawful unfavorable decision” rendered by Judge
3 Valente on January 27, 2016. *Id.* Plaintiff accuses Judge Valente of denying her due process
4 and discriminating against her “by failing to consider substantial objective medical evidence on
5 file...” *Id.* at 2. Plaintiff demands a “Writ of Prohibito for injunction immediately restraining
6 and removing any and ALL agency actor state and federal from any account held by
7 [Plaintiff],” as well as a writ of mandamus and restitution in the amount of “\$5,000,000.00 Five
8 Million Dollars to relieve some of the irreparable harm caused by willful neglect and
9 Discrimination.” *Id.*

10
11 The Court notes that Plaintiff has not filed a civil action challenging Judge Valente’s
12 decision in accordance with the procedure set forth in a letter entitled “Notice of Appeals
13 Council Action” sent to Plaintiff by the Social Security Administration. *See* Dkt. #2-2 at 2
14 (“[t]he Complaint should name the Commissioner of Social Security as the defendant...”); *see*
15 also Dkt. #7 (email from Plaintiff to Court stating “[t]his is a tort claim against Laura Valente
16 in her personal and professional capacity...”).
17
18

19 The Court will dismiss a Complaint at any time if the action fails to state a claim, raises
20 frivolous or malicious claims, or seeks monetary relief from a defendant who is immune from
21 such relief. *See* 28 U.S.C. § 1915(e)(2)(B).

22 Plaintiff’s Complaint does not identify what laws or statutes Plaintiff believes give rise
23 to a claim against Judge Valente personally. More importantly, this suit is based on Judge
24 Valente’s judicial actions, for which she is almost certainly immune from suit. *See Pierson v.*
25 *Ray*, 386 U.S. 547, 553-54 (1967); *Hirsh v. Justices of the Supreme Court*, 67 F.3d 708, 715
26 (9th Cir. 1995) (“Administrative law judges and agency prosecuting attorneys are entitled to
27
28

1 quasi-judicial immunity so long as they perform functions similar to judges and prosecutors in
2 a setting like that of a court.”). Plaintiff’s allegation that Judge Valente has waived immunity
3 by committing “crimes” of neglect and discrimination is unsupported by law or fact. Plaintiff’s
4 request for \$5 million appears frivolous.

5 Considering all of the above, it appears to the Court that Plaintiff’s Complaint fails to
6 state a claim upon which relief can be granted, is frivolous, and seeks monetary relief from a
7 defendant who is immune from such relief. Plaintiff’s Complaint suffers from deficiencies
8 that, if not adequately explained in response to this Order, will require dismissal. 28 U.S.C. §
9 1915(e)(2)(B).

10 In Response to this Order, Plaintiff must write a short and plain statement telling the
11 Court (1) the laws upon which her claims are based, (2) how Defendant is not immune from
12 suit, and (3) why this case should not be dismissed as frivolous. **This Response may not**
13 **exceed six (6) pages.** Plaintiff is not permitted to file additional pages as attachments. The
14 Court will take no further action in this case until Plaintiff has submitted this Response.

15 The Court hereby finds and ORDERS that Plaintiff shall file a Response to this Order to
16 Show Cause containing the detail above **no later than twenty-one (21) days from the date of**
17 **this Order.** Failure to file this Response will result in dismissal of this case.

18
19
20
21
22 DATED this 17th day of August, 2017.

23
24
25
26
27
28 

RICARDO S. MARTINEZ
CHIEF UNITED STATES DISTRICT JUDGE